

**State of California, State Water Resources Control Board**

Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://www.waterrights.ca.gov>

S006257

2006, 2007, 2008

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM**

**Owner(s) of Record:**

PHYLLIS L PITTS

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2009

**Primary Contact:**

PHYLLIS L PITTS  
1576 FUCHSIA DR  
SAN JOSE, CA 95125

**Agent:**

Address:

Phone No. 408-269-1191

Fax No.

E-mail Address:

Phone No.

Fax No.

E-mail Address:

Source Name: MACMILLEN SPRING

Tributary To:

County: Monterey

Diversion within: NE 1/4 of NW 1/4 Section 22, T 21 S, R 12 E, MDB&M

Year of First Use: 1889

Name of Diversion works:

Assessor Parcel Number  
of the Diversion site:

A. **Water is Used Under:** Riparian claim ☐ Pre-1914 claim ☒ Court Decree No.: \_\_\_\_\_ Other (explain): \_\_\_\_\_

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewrims)) 1889

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:  
Gallons per minute (gpm) UNKNOWN Gallons per day (gpd) \_\_\_\_\_ Cubic feet per second (cfs) \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2006	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2007	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2008	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:  
Gallons UNKNOWN Million Gallons (MG) \_\_\_\_\_ Acre-feet (AF) \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2006	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2007	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2008	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

E. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation NONE acres; Stockwatering ☒; Domestic NONE;

Other (specify)

The spring feeds into the Poncho Rico Creek all year

Parcel Number(s) of Place of Use: \_\_\_\_\_

F. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.)

No change

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☐ NO ☒  
Describe any water conservation efforts you have initiated: \_\_\_\_\_

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

Reduction in consumptive use:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO ☒

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO ☒
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_\_ NO \_\_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO ☒
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 4-25-09, 20\_\_\_\_ at 1576 Fuchsia Dr., San Jose, CA, 95125, California

SIGNATURE: Phyllis L. Pitts

PRINTED NAME: Phyllis L. Pitts  
(first name) (middle initial) (last name)

COMPANY NAME: Bar O Three Ranch, Monterey County

If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.

ITEM

CONTINUATION

This spring is near our aquifer and runs all  
year into the Panocho Rico Creek. The creek water  
is used only by wild life & cattle.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



S006257X\$X2005

STATE WATER RESOURCES  
CONTROL BOARD  
2003, 2004, 2005

2006 MAR 30 PM 3: 36

DIV OF WATER RIGHTS  
SACRAMENTO

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

**Please Complete and Return This Form by JULY 1, 2005.**

**\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

**Owner of Record:** PHYLLIS L PITTS;

**PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:**

**PHYLLIS L PITTS**  
**1576 FUCHSIA DR**  
**SAN JOSE, CA 95125**

**STATEMENT NO.:** S006257  
**CONTACT PHONE NO.:** (408) 200-1191

**Source Name:** MACMILLEN SPRING  
**Tributary To:** PANCHO RICO CREEK  
**County:** Monterey  
**Diversion Within:** NE1/4 of NW1/4 Section 22, T21S, R12E, MB&M

**Year of First Use:** 1889  
**Parcel Number:**

**A. Water is Used Under:** Riparian claim ☒ Pre-1914 right 1889 Other (explain): —

**B. Year of First Use:** (Please provide if missing above) 1889

**C. Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons				Million Gallons (MG)			Acre-feet (AF)			Other		Total Annual	
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov		Dec
2003	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UNKNOWN
2004	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
2005	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

**D. Purpose of Use – Specify number of acres irrigated, stock watered, persons served, etc.**

Irrigation NONE acres; Stockwatering 150 cows - calves <sup>Wild life +</sup>; Domestic NONE

Other (specify) This Spring feeds naturally into Pancho Rico Creek. No reservoir

**E. Changes in Method of Diversion – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.)** NONE

**F. Please answer only those questions below which are applicable to your project.**

**1. Conservation of water**

**a. Are you now employing water conservation efforts?** YES — NO X  
Describe any water conservation efforts you have initiated: —

**b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:**

**Reduction in Diversions:**

Year — (AF/MG) Year — (AF/MG) Year — (AF/MG)

**Reduction in consumptive use:**

Year — (AF/MG) Year — (AF/MG) Year — (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES — NO —

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO ☒

b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

Amount of substitute water supply used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES ☐ NO ☐

a. Are you now using groundwater in lieu of surface water? YES ☒ NO ☐ *This is an unperfected riparian right*

b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES ☒ NO ☐

**I declare that the information in this report is true to the best of my knowledge and belief.**

DATE: March 26, 2006 at 1576 Fuchsia Dr, San Jose, CA 95125, California

SIGNATURE: Phyllis Z. Fine

PRINTED NAME: Phyllis L. PITTs  
(first name) (middle initial) (last name)

COMPANY NAME: Daf U Three RANCH

**If there is insufficient space for your answers, please use the space provided below.**

**CONTINUATION**

The MacMillan Spring feeds from our aquifer into the Poncha Rico Creek all year around. Water is provided for wild life and cattle on our ranch property by the creek. It's an important water source.

**There are two principal types of surface water rights in California. They are riparian and appropriative rights.**

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

**Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.**

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by September 1, 2003.

\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Owner of Record: PHYLLIS L PITTS;



S006257%\$%2002

2000, 2001, 2002  
STATE WATER RESOURCES  
CONTROL BOARD

2003 JUL 16 PM 2:48

DIV. OF WATER RIGHTS  
SACRAMENTO

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

PHYLLIS L PITTS  
1576 FUCHSIA DR  
SAN JOSE, CA 95125

STATEMENT NO.: S006257  
CONTACT PHONE NO.: (408)269-1191

FOR ONLINE REPORTING AT  
www.waterrights.ca.gov

USER NAME: S006257  
PASSWORD: D05988

Source Name: MACMILLEN SPRING  
Tributary To: PANCHO RICO CREEK  
County: Monterey  
Diversion Within: NE1/4 of NW1/4 Section 22, T21S, R12E, MB&M

Year of First Use: 1889  
Parcel Number:

A. Water is used under: Riparian claim X Pre 1914 right 1889 Other (explain): —

B. Year of first use (Please provide if missing above) 1889

C. Amount of Use - Enter the amount (or the approximate amount) of water used each month.

Amounts below are:													Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
2000	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UNKNOWN
2001	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
2002	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation — acres; Stockwatering 150 COWS - calves - wild life; Domestic —

Other (specify) This spring feeds into the Pancho Rico Creek - there is no reservoir storage.

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)  
only protection for the underground spring source that flows

F. Please answer only those questions below which are applicable to your project. freely into the creek.

1. Conservation of water

a. Are you now employing water conservation efforts? YES — NO X  
Describe any water conservation efforts you have initiated: —

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr — (af/mg) yr — (af/mg) yr — (af/mg)

Reductions in consumptive use:

yr — (af/mg) yr — (af/mg) yr — (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES — NO —

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ☐ NO ☒
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to wastewater reclamation. YES ☐ NO ☐

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ☒ NO ☐ *This is an underground spring*
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to conjunctive use efforts. YES ☐ NO ☐

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 7-11- 2003 at 1576 Fuchsia Dr., San Jose, CA, 95125, California

SIGNATURE: Phyllis L. Pitts

PRINTED NAME: Phyllis L. Pitts  
(first name) (middle init.) (last name)

COMPANY NAME: Bar O Three Ranch

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

D+ MacMillan Spring is a natural free flowing water  
E source feeding from an underground aquifer all  
year long. It is an important water source  
for wildlife and cattle on our ranch property  
and as a result it keeps the creek flowing at that area.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

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*"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

**PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 2000**

OWNER OF RECORD: PHYLLIS L PITTS

PHYLLIS L PITTS  
1576 FUCHSIA DR  
SAN JOSE, CA 95125

STATEMENT NO: 8206257



SOURCE: MACMILLEN SPRING  
TRIBUTARY TO: PANTO RICO CREEK  
COUNTY: MONTEREY  
DIVERSION

TELEPHONE NUMBER:  
(408) 269-1191  
YEAR OF FIRST USE: 1889  
PARCEL NO:

WITHIN: NE¼ OF NW¼ SECTION 22, T21S, R12E, MB&M.

- A. Water is used under: Riparian claim X Pre 1914 right X Other (explain): —
- B. Year of first use (Please provide if missing above) 1889
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are:													Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
1997	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UNKNOWN
1998	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UNKNOWN
1999	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UNKNOWN

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation NONE acres; Stockwatering 150+ cows-calves Domestic NONE;  
Other (specify) Our domestic well is located near the spring and draws from the same watershed.
- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)  
NONE
- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Are you now employing water conservation efforts? YES X NO —  
Describe any water conservation efforts you have initiated: Creek is kept cleared of debris for stock water. Panto Rico creek runs most of the year. The spring feeds into the creek.
- b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

19 97 NONE (af/mg) 19 98 NONE (af/mg) 19 99 NONE (af/mg)

Reductions in consumptive use:

19 97 NONE (af/mg) 19 98 NONE (af/mg) 19 99 NONE (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES — NO —

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO X
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

1997 NONE (af/mg) 1998 NONE (af/mg) 1999 NONE (af/mg)  
I have data to support the above surface water use reductions due to wastewater reclamation. YES \_\_\_\_\_ NO \_\_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES X NO \_\_\_\_\_ *Only in conjunction with our domestic well - not the spring*
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

1997 UNKNOWN (af/mg) 1998 UNKNOWN (af/mg) 1999 UNKNOWN (af/mg)  
I have data to support the above surface water use reductions due to conjunctive use efforts. YES \_\_\_\_\_ NO X

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 3-10-2000, 20\_\_\_\_ at SAN JOSE, California

SIGNATURE: Phyllis L. Pitts

PRINTED NAME: Phyllis L. Pitts  
(first name) (middle init.) (last name)

COMPANY NAME: Bar O Three Ranch

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

The McMillan spring flows freely into the Panchero  
Rio Creek. The creek is unobstructed and runs  
all year as a rule. Only cattle and wild life drink  
and use the water. The spring is not far from our  
domestic well and probably the water source is  
the same aquifer. The spring is not used for  
any domestic or other purpose than cattle & wild life.  
It is a very valuable source of water to us.

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12/21/95 5-6257  
\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S006257

OWNER OF RECORD: PHYLLIS L PITTS

PHYLLIS L PITTS  
1576 FUCHSIA DRIVE  
SAN JOSE, CA 95125

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
SACRAMENTO

1995 APR - 4 AM 7:13

SOURCE: MACMILLEN SPRING  
TRIBUTARY TO: PANCHO RICO CREEK  
COUNTY: MONTEREY  
DIVERSION

WITHIN: NE $\frac{1}{4}$  OF NW $\frac{1}{4}$  SECTION 22, T21S, R12E, MDB&M.

TELEPHONE NUMBER:

(408) 269-1191

YEAR OF FIRST USE: 1889

PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

A. Water is used under: Riparian claim ☒; Pre 1914 right ☒; Other (explain) \_\_\_\_\_

B. Year of first use (Please provide if missing above) 1889.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons

☐ Acre-feet

☒ (other)

*The spring runs all year long into the Pancho Rico Creek.*  
*UNKNOWN AMOUNT.*

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UNKNOWN
1993	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UNKNOWN
1994	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	UNKNOWN

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation NONE acres; Stockwatering 150 cows/calves; Domestic NONE

Other (specify) Our domestic well is located near the Spring.

I presume from the same watershed.

\*\*\* CONTINUE ON BACK PAGE \*\*\*

\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

No changes.

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NONE

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3-29, 1995, at SAN JOSE, California

SIGNATURE: Phyllis L. Pitts

PRINTED NAME: Phyllis Lenore Pitts  
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: Bar O Three Ranch

#### GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockpounds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. Box 2000  
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE  
INFORMATION SHEET

STATEMENT NO. 006257

DIVERSION SITE:

OWNER'S NAME Phyllis Lenore Pitts  
(FIRST) (MIDDLE) (LAST)

PARCEL NO. 421-221-001-000

PLACE OF USE:

OWNER'S NAME Phyllis Lenore Pitts - owner  
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. 421-221-001-000

2. PARCEL NO. \_\_\_\_\_

3. PARCEL NO. \_\_\_\_\_

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL  
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER Owner  
NAME Phyllis Lenore Pitts  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS 1576 FUCHSIA DR.  
SAN Jose CA 95125  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (408) 269 - 1191

OTHERS USING ABOVE DIVERSION LOCATION:

Part Owner-1. NAME Diana Phyllis Spitzer  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS 1649 Natalie Ct.  
SAN Jose CA 95118  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (408) 266 - 3917

Part Owner-2. NAME Denise Lenore Andrews  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS 8514 E Los Olivos  
SAN Gabriel CA 91775  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (818) 287 - 6645

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR  
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL  
INFORMATION BOX.

see "over"

No other rancher or land owner uses the water flowing from the MacMillen Spring into the Pancho Rico Creek, only the cattle and wildlife.

The additional names listed on this form are my two daughters who are both part owners of our Bar O-Three Ranch.

## STATE WATER RESOURCES CONTROL BOARD

## DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

(916) 657-1875

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 006257PHYLLIS L PITTS  
1576 FUCHSIA DRIVE  
SAN JOSE, CA 95125TELEPHONE NUMBER:  
(408) 269-1191

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: MACMILLEN SPRING

TRIBUTARY TO: PANCHO RICO CREEK

COUNTY: MONTEREY

YEAR OF FIRST USE: 1889

## DIVERSION

WITHIN: NE1/4 OF NW1/4 SECTION 22, T21S, R12E, MDB&amp;M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994

- A. Water is used under: Riparian claim ☒; Pre 1914 right ☒; Other (explain) \_\_\_\_\_
- B. Year of first use (Please provide if missing above) 1889
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) UNKNOWN

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	UNKNOWN
1992	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	UNKNOWN
1993	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	UNKNOWN

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation \_\_\_\_\_ acres; Stockwatering ☒; Domestic \_\_\_\_\_  
Other (specify) \_\_\_\_\_

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

No change

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NONE

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: March 11, 1994, at San Jose, CaliforniaSignature: Phyllis L. PittsWR 40-1 (1/94)  
FOR0127R2

This spring feeds into the Pancho Rico Creek and runs all year, the amount of water is not measured and is unknown.

1993

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"



## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1997

OWNER OF RECORD: PHYLLIS L PITTS

PHYLLIS L PITTS  
1576 FUCHSIA DRIVE  
SAN JOSE, CA 95125

STATEMENT NO: S006257



SOURCE: MACMILLEN SPRING  
TRIBUTARY TO: PANCHO RICO CREEK  
COUNTY: MONTEREY  
DIVERSION

TELEPHONE NUMBER:  
(408) 269-1191

YEAR OF FIRST USE: 1889  
PARCEL NO:

WITHIN: NE¼ OF NW¼ SECTION 22, T21S, R12E, MB&M.

A. Water is used under: Riparian claim ☒; Pre 1914 right \_\_\_\_\_; Other (explain): \_\_\_\_\_

B. Year of first use (Please provide if missing above) 1889

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons

☐ Acre-feet

☒ (other) unknown

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1994	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	known
1995	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	known
1996	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	known

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_\_\_ acres; Stockwatering ☒; Domestic ☒

Other (specify) \_\_\_\_\_

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed: (New pump, enlarged diversion dam, location of diversion, etc.)  
no change

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.  
none

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: May 16, 1997 at 1576 Fuchsia Dr., San Jose, CA, 95125 California

SIGNATURE: Phyllis L. Pitts

PRINTED NAME: Phyllis L. Pitts

(FIRST NAME)

(MIDDLE INIT.)

(LAST NAME)

COMPANY NAME: Bar O Three Ranch

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

D

The McMillan Spring, located at the source of our domestic use well, flows all year and also feeds into the Pando Rico Creek, in unknown quantities. The creek provides water for live stock. The well has been in our family since 1889 and used continually. The well is our only "positive" water source for our domestic use. Most of the creek water comes from winter rains.

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
901 P ST. SACRAMENTO, CA 95814  
(916) 322-4503

STATE WATER RESOURCES  
(916) 324-5876

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

1991 FEB -6 AM 9:07

DIVERTER OF RECORD:

PHYLLIS L PITTS  
1576 FUCHSIA DRIVE  
SAN JOSE, CA 95125

DIV. OF WATER RIGHTS  
SACRAMENTO

STATEMENT NO: 006257

TELEPHONE NUMBER:  
(408) 269-1191

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: MACMILLEN SPRING

TRIBUTARY TO: PANCHO RICO CREEK

COUNTY: MONTEREY

DIVERSION

WITHIN: NE1/4 OF NW1/4 SECTION 22, T21S, R12E, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons ☐ Acre-feet ☐ \_\_\_\_\_ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
1989	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
1990	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_\_\_

Stockwatering \_\_\_\_\_

Domestic \_\_\_\_\_

Other (specify) \_\_\_\_\_

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: Feb. 1, 19 91, at 1576 Fuchsia Dr., San Jose, California 95125

Signature: Phyllis L. Pitts

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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